



October 23, 2002

Marlene Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., Room TW A-325  
Washington, DC 20554

**Re: Ex Parte Notice – WT Docket No. 00-32  
The 4.9 GHz Band Transferred from Federal Government Use  
WT Docket No. 02-55  
Improving Public Safety Communications in the 800 MHz Band**

To the Secretary:

This is to provide notice that, on October 22, 2002, the United Telecom Council (UTC) and representatives of its members Southern Company, Central Lincoln PUD and National Grid USA met with personnel from the Wireless Telecommunications Bureau, including WTB Chief Tom Sugrue, Associate Bureau Chief Catherine Seidel, Public Safety and Private Wireless Division Chief D'wana Terry, Michael Wilhelm and Shellie Blakeney. The primary purpose of the meeting was to discuss UTC's and its members' position in the above-referenced dockets.

UTC has filed comments recommending that critical infrastructure entities such as utilities and pipelines be made eligible for licensing in 4.9 GHz spectrum newly allocated for support of Public Safety. As eligibles within the 1997 "public safety radio services" definition adopted by Congress, critical infrastructure entities are interested in the same sort of short-range, emergency response use of this spectrum as are traditional Public Safety agencies. UTC and its members view the 4.9 GHz band as an excellent opportunity for all emergency responders to make use of wideband data, including video, applications to help protect lives and property.

UTC also explained briefly its position in the 800 MHz proceeding, which favors tighter technical rules to require elimination of interference to all licensees over mandatory re-banding proposals. UTC and its members also support regulatory flexibility to permit channel exchanges to cure interference, restructure the band voluntarily and permit the aggregation of frequencies by all licensees for advanced shared systems that will use this valuable spectrum more efficiently. Should the FCC determine that some form of mandatory re-banding is necessary, UTC urges that issues such as adequate funding for all

retuning/relocation, equivalent frequency pools in international border areas and improved technical standards to eliminate current and prevent future interference be addressed as part of the agency's decision. UTC also is concerned that a proposed 859-861 MHz "guard band" would place critical infrastructure systems now located there at risk of experiencing increased interference: licensees on these frequencies should be permitted funded migration to other areas of the band and the Commission should reinstate full 70-mile separation between systems.

UTC offered to meeting attendees a summary of its most recent Comments in this proceeding, along with a copy of its specific recommendations for new technical Rules in the 800 MHz band as submitted in Reply Comments. A copy of this material is attached to this Notice.

This Notice is being filed pursuant to Section 1.1206 of the Commission's Rules and Regulations, 47 C.F.R. § 1.1206. If there are any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill M. Lyon", with a stylized flourish at the end.

Jill M. Lyon  
Vice President and General Counsel

Cc: Thomas Sugrue, Bureau Chief  
Catherine Seidel, Associate Bureau Chief  
D'wana Terry, Division Chief  
Shellie Blakeney, Esq.  
Mr. Michael Wilhelm

## **Summary**

The United Telecom Council (UTC) and the Edison Electric Institute (EEI) urge the FCC not to adopt the Private Wireless Compromise proposal, or any other requiring mandatory retuning of 800 MHz incumbents, without resolving major issues affecting the future efficiency of this important frequency band. Among these are the need for adequate and guaranteed funding of any mandated retuning by any incumbent licensee and a need to encourage the implementation of advanced, more efficient technology across all of the band. These and other questions must be answered in order to justify the FCC's abandonment of its own principles of regulatory flexibility and solutions by the market rather than a regulatory agency.

UTC repeats, and EEI joins, its call for rules that will eliminate current, and prevent future, interference through updated technical parameters, coupled with regulatory flexibility to permit licensees of all user groups to re-locate as desired. Not only will this concentrate work and funding where it is needed through contractual agreements; it will also promote the shared systems across outdated pool boundaries that are necessary for interoperability and to fund expensive new technology requiring large amounts of spectrum. One commercial entity should not be the only 800 MHz licensee capable of using new technology due to the continuation of outmoded rules. Further, technical restrictions on the use of part of the spectrum should not be imposed where they are severely detrimental to that entity's chief competitor.

Should the FCC decide to impose the PWC Compromise, Motorola's proposal or a similar plan, it should allow critical infrastructure licensees an opportunity to relocate to frequencies other than the "guard band", which is likely to receive the most

interference from adjacent low-site operations. Incumbents already on guard band frequencies should be permitted a funded migration off these frequencies, and full co-channel spacing should be restored to reflect the differences in technology to be operated by Public Safety or other new licensees on vacated frequencies. Finally, the FCC should use the “comparable facilities” rules developed for the upper portion of the 800 MHz band as a basis for ensuring the continued reliable operation of incumbent systems forced to retune.

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**UTC TECHNICAL RECOMMENDATIONS**  
**IMPROVING PUBLIC SAFETY COMMUNICATIONS IN THE 800 MHz BAND**  
**FCC WT Docket No. 02-55**

**I. Modify the FCC Regulations with respect to allowable emissions for the 700 MHz, 800 MHz, and 900 MHz bands to be more stringent and consistent.**

1. Adopt ACCP instead of the current “FCC Emission Mask” for equipment used in the 800 MHz and 900 MHz bands, similar to the current 700 MHz rules. If adopted, these standards would replace the current relevant FCC Regulations for each segment of the 800 MHz and 900 MHz bands and would require new ACCP tables be developed.
2. Adopt stronger emission limits for 800 MHz and 900 MHz communications systems to afford improved and consistent adjacent channel protection from CMRS transmissions in the 800 MHz and 900 MHz land mobile bands. UTC’s Technical Subcommittee has not yet reached consensus on specific recommendations, but the industry as a whole should work with manufacturers to arrive at higher suitable attenuation requirements for bases and fixed stations throughout these bands.
3. Adopt the “APCO Best Practices” recommendation to require that user receiver equipment provide a minimum of 75 dB intermodulation specification.<sup>1 2 3</sup>

**II. Establish interference mitigation standards in FCC Regulations.**

1. The FCC should codify and adopt its policy that the interferor shall fix reported interference, even if the interfering equipment is operating within published specifications while causing the interference.
2. The FCC should codify and adopt a standard defining a reduction in system reliability reduction of  $> 1\%$ <sup>4</sup> as “harmful interference.” UTC recommends the standards found in Part 101 of the Commission’s Rules be adopted to determine how system reliability is measured. The FCC should codify and amend the regulations as necessary to allow for external filtering and other added equipment to be used to reduce or eliminate interference.

**III. Modify the licensing and coordination procedures to include review of Adjacent Channel spacing for all “non-EA” frequencies.**

1. Adjacent channel spacing standards should be established for use in frequency coordination, and frequency coordinators should review the spacing of channels

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<sup>1</sup> See Page 14, APCO Best Practices Guide, December, 2000

<sup>2</sup> See Page 44, Motorola’s Interference Technical Appendix, Issue 1.41, February 2002

<sup>3</sup> See Attachment 5, Six Month Status Report of the Project 39 Technical Committee, March 19, 2002

<sup>4</sup> See Page 126, National Coordinating Committee – Implementation Subcommittee, Appendix O, <http://npstc.du.edu/documents/IM00039-P024-Appendix-O.pdf>

adjacent to the frequency under consideration, as well as the co-channel spacing, during the coordination process.

2. CMRS operators should be required to notify authorized 800/900 MHz frequency coordinators thirty days in advance of initiating transmissions from a new cellsite when any of the frequencies to be used at the cellsite is a Business, Industrial/Land Transportation, or Public Safety channel.

The above rule revisions are recommended, not only to resolve current interference problems, but to create rules for “good behavior” for all parties using these bands as they progress toward implementation of advanced technology and greater spectrum efficiency.